

Debra P. Hackett
Clerk, U.S. District Court
15 LEE ST STE 206
MONTGOMERY AL 36104-4055

April 30, 2008

Appeal Number: 08-10707-D

Case Style: Artrone Cheatham v. USA

District Court Number: 06-00210 CV-2-MEF

TO: Debra P. Hackett

CC: Artrone Cheatham (11101-002)

CC: Leura Garrett Canary

CC: Todd A. Brown

CC: Administrative File

CC: Administrative File

United States Court of Appeals

Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Thomas K. Kahn
Clerk

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SECONDARY CASE NO: 02-00007-CR-N

The enclosed certified copy of this Court's order denying the application for a Certificate of Appealability is issued as the mandate of this court. See 11th Cir. R. 41-4. Counsel and pro se parties are advised that pursuant to 11th Cir. R. 27-2, "a motion to reconsider, vacate, or modify an order must be filed within 21 days of the entry of such order. No additional time shall be allowed for mailing."

Sincerely,

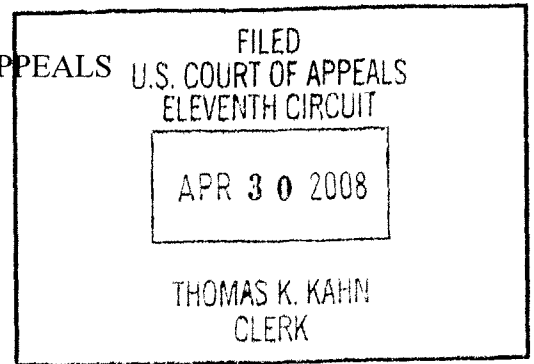
THOMAS K. KAHN, Clerk

Reply To: Nancy Holbrook (404) 335-6183

Encl.

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 08-10707-D



ARTRONE CHEATHAM,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

Appeal from the United States District Court for the
Middle District of Alabama

ORDER:

To merit a certificate of appealability, appellant must show that reasonable jurists would find debatable both (1) the merits of an underlying claim and (2) the procedural issues he seeks to raise. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 478, 120 S.Ct. 1595, 1600-01, 146 L.Ed.2d 542 (2000). Since appellant has failed to satisfy Slack's test, his motion for a certificate of appealability is DENIED.

Appellant's motion for leave to proceed on appeal in forma pauperis is DENIED AS MOOT.

/s/ Ed Carnes
UNITED STATES CIRCUIT JUDGE
True Copy - attested:
Clerk, U.S. Court of Appeals,
Eleventh Circuit
Nancy Helbrock
Deputy Clerk
Atlanta, Georgia